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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/821,711	04/08/2004	Larry A. Gilbertson	38-21(52967)B

CONFIRMATION NO. 1699

27161

MONSANTO COMPANY

800 N. LINDBERGH BLVD.

ATTENTION: G.P. WUELLNER, IP PARALEGAL, (E2NA)

ST. LOUIS, MO 63167

## FORMALITIES LETTER



\*OC000000013019189\*



Date Mailed: 06/22/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$130** for a Large Entity

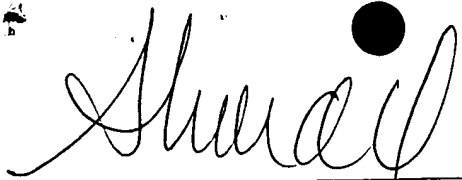
- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

07/27/2004 BABRAHA1 00000097 134125 10821711

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*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in black ink, appearing to read "Shunaid", is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re applications of:

Larry A. Gilbertson *et al.*

Appln. No.: 10/821,711

Filed: April 08, 2004

For: DNA Constructs and Methods to Enhance the  
Production of Commercially Viable Transgenic Plants



Art Unit: 1638

Examiner: To be assigned

Atty. Docket: 38-21(52967)B

**Response to Notice to File Missing Parts of Nonprovisional Application**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

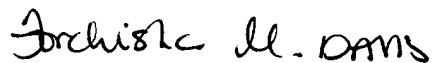
In response to the Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted April 08, 2004 Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Copy of Notice to File Missing Parts of Nonprovisional Application – mailed on 06/22/2004;
2. Original Declaration and Power of Attorney, executed by inventors Larry A. Gilbertson, Elysia K. Krieger and Wanggen Zhang (3pages).
3. Original Declaration and Power of Attorney, executed by inventor Xudong Ye (3 pages);
4. Late filing fee surcharge as set forth in 37 CFR 1.16(e) of **\$130.00;** and
5. a return-receipt prepaid postcard.

It is respectfully requested that the attached prepaid postcard be stamped with the date of filing of these documents, and that it be returned as soon as possible.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. **13-4125**. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. **13-4125**. A duplicate copy of this Response is enclosed.

Respectfully submitted,



Forchisha M. Davis  
Reg. No. (48,371)

Date: 07/23/04

Patent Department, E2NA  
Monsanto Company  
St. Louis, MO 63167  
Tel: 314-694-3151  
Fax: 314-694-9009



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Larry A. Gilbertson *et al.*

Appln. No.: 10/821,711

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**Certificate of Mailing**

I hereby certify that this Response to Notice to File Missing Parts of Non-Provisional Application-Under 37 CFR 1.53 (b) for the above application, is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Missing Parts  
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P.O. Box 1450  
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on

07-23-04

Gracie L. Williams  
(Printed name of person signing this certificate)

Gracie L. Williams  
(Signature)